

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
NO: 7:12-CR-00020-BR

UNITED STATES OF AMERICA

v.

NEVINE ALY ELSHIEKH

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ORDER

This matter is before the court on defendant's *pro se* motion for modification of her sentence. (DE # 374.) Defendant complains that, contrary to this court's recommendation to the Bureau of Prisons ("BOP") that defendant to be allowed to serve her sentence of imprisonment at FPC Alderson, West Virginia, BOP designated her to FCI Aliceville, Alabama. Defendant requests that she be allowed to serve the remainder of her sentence on home confinement.

The relief defendant seeks concerns the execution of her sentence and therefore must be raised in a motion pursuant to 18 U.S.C. § 2241. See Kopeykin v. United States, No. 5:12-HC-2075-FL, 2012 WL 5395820, at \*1 (E.D.N.C. Nov. 5, 2012) ("Petitioner's petition challenges the place of his confinement, and not the fact of his conviction. Because petitioner is attacking the manner in which his sentence is being executed, his action must be brought pursuant to § 2241." (citing Shaw v. United States, 417 F. App'x 311, 312 (4th Cir. 2011))). Generally, a defendant must exhaust her administrative remedies before seeking relief under § 2241, see Timms v. Johns, 627 F.3d 525, 530-31 (4th Cir. 2010) ("As a general rule, in the absence of 'exceptional circumstances where the need for the remedy afforded by the writ of *habeas corpus* is apparent,' courts 'require[ ] exhaustion of alternative remedies before a prisoner can seek federal habeas relief.'" (citations omitted) (emphasis and alteration in original)), and must file the § 2241

motion in the district where she is confined, In re Jones, 226 F.3d 328, 332 (4th Cir. 2000).

Defendant is currently serving her sentence in the Northern District of Alabama. The court could transfer defendant's motion to that court. See 28 U.S.C. § 1631 (“[T]he court shall, if it is in the interest of justice, transfer such action . . . to any other such court in which the action . . . could have been brought at the time it was filed or noticed . . .”). However, because it is not apparent that defendant has exhausted her administrative remedies with BOP, the court finds that transfer would not serve the interest of justice. Accordingly, the motion is DISMISSED WITHOUT PREJUDICE.

This 31 October 2013.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is written over a horizontal line.

W. Earl Britt  
Senior U.S. District Judge